

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HOWARD LINDEN as personal
representative of the ESTATE OF
FRANCIS CZAPLICKI, deceased,

Plaintiff,

Case No. 03-71479

v.

Honorable Patrick J. Duggan

HARDING TUBE CORP.,

Defendant/Third-Party Plaintiff/
Third Party Counter-Defendant,

v.

ADP COBRA SERVICES, INC.,

Third-Party Defendant/Third Party
Counter-Plaintiff.

JUDGMENT

On April 15, 2003, Francis Czaplicki filed this lawsuit against his former employer Harding Tube Corporation under Section 1132(a)(3) of the Employee Retirement Income Security Act of 1974 (“ERISA”), as amended by the Consolidated Omnibus Budget Reconciliation Act of 1985 (“COBRA”), 29 U.S.C. §§ 1161-69. Harding Tube thereafter filed a third-party complaint against ADP Cobra Services, Inc. (“ADP”), seeking indemnification for any damages awarded to Mr. Czaplicki. ADP then filed a third-party counter-complaint against Harding Tube seeking to recover any damages ADP may

suffer as a result of Mr. Czaplicki's or Harding Tube's claims.

On September 28, 2005, this Court issued an Opinion and Order granting summary judgment to Mr. Czaplicki on his claims against Harding Tube and awarding Mr. Czaplicki the sum of \$62,935.45. In an Opinion issued on this date, the Court finds that neither Harding Tube nor ADP are entitled to judgment with respect to their third-party claims.

Accordingly,

IT IS ORDERED, ADJUDGED, AND DECREED, that Judgement is entered against Defendant Harding Tube in favor of Plaintiff Howard Linden, as personal representative of the Estate of Francis Czaplicki in the amount of \$62,935.45;

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that Third-Party Plaintiff Harding Tube's third-party complaint against Third-Party Defendant ADP Cobra Services, Inc. is **DISMISSED WITH PREJUDICE**;

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that Third-Party Counter-Plaintiff ADP Cobra Services, Inc.'s third-party counter-complaint against Third-Party Counter-Defendant Harding Tube is **DISMISSED WITH PREJUDICE**.

DATE: July 7, 2006

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
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